

Applic. No. 10/650,054
Amdt. dated August 3, 2005
Reply to Office action of May 3, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-22 remain in the application. Claim 1 has been amended. Claims 11-22 have been withdrawn from consideration. Claim 23 was previously cancelled.

In the second paragraph on page 2 of the above-identified Office action, claims 1-8 have been rejected as being fully anticipated by Toshiaki (JP 01012018) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 19, lines 23-26 and on page 23, lines 9-13 of the specification. Accordingly, no new matter has been included.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

Applic. No. 10/650,054
Amdt. dated August 3, 2005
Reply to Office action of May 3, 2005

constructing at least one hole with the hole edge in the sheet metal layer at the at least one associated hole position and, if required, corrugating at least a portion of the section.

The following comments pertain to the Examiner's remarks in the third paragraph on page 4 of the Office action that the "structuring" step is optional. Step "i" of claim 1 now recites that at least some of the sheet metal layers must be corrugated to form channels through which a fluid can flow. Therefore, the corrugating in step "d" is not optional.

Claim 1 has been amended so that the structuring step is now a corrugating step. Therefore, the corrugations disclosed in Toshiaki must be taken into account. Accordingly, the winding step disclosed by Toshiaki is not a corrugating step as recited in claim 1 of the instant application.

The Toshiaki reference discloses the implementation of recesses by drilling a plurality of holes in a metal plate before the winding of a metal carrier. Toshiaki discloses that "plural holes 50-52 are drilled in the metal carrier catalyzer 20 made up of assembling a flat metal plate 21 and a corrugated metal plate 22 as one body at specified intervals" (abstract constitution). Therefore, Toshiaki discloses that the holes are drilled in the flat metal plate and the

Applic. No. 10/650,054
Amdt. dated August 3, 2005
Reply to Office action of May 3, 2005

corrugated metal plate in the same operation. Accordingly, the holes are drilled in the corrugated metal plate after it has been corrugated.

The reference does not show constructing at least one hole with the hole edge in the sheet metal layer at the at least one associated hole position and, if required, corrugating at least a portion of the section, as recited in claim 1 of the instant application. The Toshiaki reference discloses that a hole is formed in the flat plate and the corrugated plate in the same operation, as the hole is formed in both the plates at the same time after the two plates are disposed on top of each other. Toshiaki does not disclose that the corrugated plate is corrugated after a flat sheet has a hole formed therein. This is contrary to the invention of the instant application as claimed, which recites constructing at least one hole with the hole edge in the sheet metal layer at the at least one associated hole position and, if required, corrugating at least a portion of the section.

Since claim 1 is believed to be allowable over Toshiaki dependent claims 2-8 are believed to be allowable over Toshiaki as well.

Applic. No. 10/650,054
Amdt. dated August 3, 2005
Reply to Office action of May 3, 2005

Even though claim 1 is believed to be allowable, the following remarks pertain to the non-obviousness of claim 1. Toshiaki does not provide a person of ordinary skill in the art any motivation to perform the step of corrugating a section after constructing at least one hole in the section.

In the penultimate paragraph on page 3 of the Office action, claims 9 and 10 have been rejected as being obvious over Toshiaki (JP 01012018) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 9 and 10 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

08-03-'05 15:59 FROM-Lerner & Greenberg

+9549251101

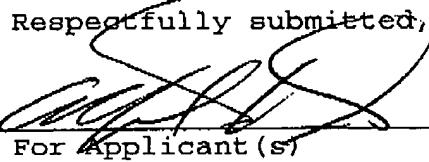
T-711 P15/15 U-633

Applic. No. 10/650,054
Amdt. dated August 3, 2005
Reply to Office action of May 3, 2005

call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

For Applicant(s)

Alfred K. Dassler
52,794

AKD:cgm

August 3, 2005

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101